

Rec'd PCT/PTO 01 OCT 2004

10/509714

PATENT COOPERATION TREATY



RECEIVED

02 AUG 2004

PCT

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference J.		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB 03/01432	International filing date (day/month/year) 03.04.2003	Priority date (day/month/year) 05.04.2002
International Patent Classification (IPC) or both national classification and IPC E21B17/10		
Applicant SPECIALISED PETROLEUM SERVICES GROUP LIMITED et al		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 04.11.2003		Date of completion of this report 30.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Georgescu, M Telephone No. +49 89 2399-7502 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/01432

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/01432

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/01432

Reference is made to the following documents:

D1: US 5 911 285

D2: GB 2 361 019

V - Reasoned statement under Rule 66.2 (a)(ii)

V-1 Claim 1

D1, which is considered as the closest prior art, describes a downhole tool for use in a well bore (column 1, lines 4-5), the tool comprising:

a tubular body (12) having an axial throughbore (fig.1) and adapted for connection within a work string (14, 16);

stabiliser blades (160, 260) including one or more jetting ports (118, 218) to direct fluid from the axial throughbore onto a surface of the well bore; and

one or more actuating means to selectively (column 7, lines 29-36) direct the fluid through the jetting ports and thereby circulate the fluid.

The distinguishing feature of claim 1 with regard to D1 is that the tool has a sleeve mounted around the body, the sleeve including one or more stabilising blades.

The subject-matter of claim 1 is therefore new and the claim meets the novelty requirements of Art. 33(2)PCT.

The technical problem to be solved by the distinguishing feature can be seen as how to provide a downhole tool with improved wearing and servicing characteristics.

The tool of claim 1 through its sleeve wearing stabiliser blades can be made of more wear resisting materials, and can be replaced while reusing the body. D1 does not suggest such a solution as the body (12) is provided directly with stabiliser blades (160, 260). D2 teaches about a sleeve of polyamide material having hollow blades with ports allowing the fluid to flow in and out of the hollow blades (page 5, lines 13-18, 27-29 and fig.1). The ports of D2 are not jetting ports and they do not make the connection of an internal bore of another bearing body with the exterior of a tool. Thus, the skilled man would not combine D2 with D1 in order to arrive at the subject-matter of claim 1.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/01432

Therefore, claim 1 meets the requirement for inventive step of Art. 33(3) PCT.

V-2 Claims 2 to 12

Claims 2 to 12 as dependent claims from claim 1 also meet the requirements of Art. 33 PCT.

The following objections are raised:

- a. The independent claims should have been properly casted in two part form with regard to D1, according to Rule 6.3(b) PCT.
- b. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- c. Contrary to the requirements of Rule 5.1(a)(ii)PCT, the relevant background art disclosed in documents D1, D2 is not mentioned in the description, nor are these documents identified therein.
- d. The references made to other Patents on first paragraph on page 8 of the application should be deleted (PCT\GL\C II 4.17).